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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,622	10/29/2003	Narasimha R. Valieti	VRT0093US	5515

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CSA LLP  
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AUSTIN, TX 78759

EXAMINER
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FLOURNOY, HORACE L

ART UNIT	PAPER NUMBER
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2189

MAIL DATE	DELIVERY MODE
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07/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/696,622

Applicant(s)

VALIETI ET AL.

Examiner

Horace L. Flournoy

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2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 and 20 is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

This Office action has been issued in response to amendment filed April 30<sup>th</sup> 2007. Claims 1-20 are pending.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 19** is rejected under 35 U.S.C. 102(b) as being anticipated by DeKoning et al. (U.S. Patent No. 6,304,942 hereafter referred to as DeKoning) as supported by Humlicek et al. (U.S. Patent No. 5,822,782 hereafter referred to as Humlicek) which is specifically incorporated by reference in DeKoning as cited in column 7, line 4.

### Independent Claims

With respect to **independent claim 19**,

*"A computer readable medium storing instructions, wherein the instructions are executable by a processor in a second device in a network containing a first device, the second device, and a third device, [See DeKoning FIG. 3, elements 108, 110, and 302] wherein the network stores a data volume, wherein the first*

*device is configured to transmit I/O transactions to the second device, and wherein the first device is configured to transmit V0 transactions to the third device, [Humlicek discloses in column 3, lines 36-40, "This added flexibility in RAID subsystem control may be used by an operator to help level the load of I/O requests across RAID subsystems or even across interconnect busses within a particular RAID subsystem." Humlicek teaches transmitting data I/O transactions between all devices connected in a subsystem] the method comprising: the second device receiving and storing in memory thereof, a description of a data volume layout created and transmitted by the first data device; [See Humlicek (incorporated by reference) in column 5, lines 20-31, "The present invention includes a data structure stored in a reserved area 122 on each disk drive 110 of the disk array 108. The data structure in the reserved area 122 contains information which uniquely identifies each disk drive from all other disk drives. The data structure stored in the reserved area 122 of each disk drive 110 also includes configuration information which describes each group of the disk array 108 in which the corresponding disk is a member..."] the second device receiving an write I/O transaction from the first device, [DeKoning discloses in column 8, lines 35-36, "...I/O (input/output) operations from a host system."]* wherein the write I/O transaction comprises data D in response to receiving the write I/O data transaction, the first second device accessing the data volume layout description or the modified version thereof stored in memory of the first device; [DeKoning teaches this limitation, e.g. in column 7, lines 1-6. DeKoning further discloses in column 7, lines 10-11, "After reading the

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**metadata from each storage disk...” See also Humlicek, which is incorporated by reference.]** *in response to accessing the data volume layout description or the modified version thereof stored in memory of the second device, the second device A writing data D to separate memory locations within the second device.” [DeKoning teaches this limitation, e.g. in column 7, lines 1-6. DeKoning further discloses in column 7, lines 10-11, “After reading the metadata from each storage disk...” See also Humlicek, which is incorporated by reference.]*

#### **ARGUMENTS CONCERNING PRIOR ART REJECTION**

##### **1<sup>ST</sup> POINT OF ARGUMENT:**

Applicant's arguments filed on 4/30/2007 have been fully considered and are persuasive to the examiner. The examiner stands by the arguments for rejection of claim 19 found in the previous Office Action of record. In the applicants remarks received on 4/30/2007, page 8, line 3 states that “Claims 1, 12, 19, and 20 have been amended.” However, the examiner notes that independent claim 19 has not been amended in lieu of the other independent claims and is therefore not allowable.

***Allowable Subject Matter***

Claim 1-18, and 20 are allowable over the prior art of record.

***REASONS FOR ALLOWANCE***

This Office Action has been issued in response to the remarks filed March 8<sup>th</sup> 2007. Applicant's arguments have been carefully and respectfully considered, and are persuasive to the examiner.

The following is an examiner's statement of reasons for allowance:

**Independent claims 1, 12, 18\*, and 20** are allowable over the prior art of record for the remarks to each independent claim as set forth on pages 9-12 of the response received 4/30/2007, as well as for the instant amendments to the independent claims. As such, each of the dependent claims is allowable.

\*Note independent claim 18 was previously allowed.

***CONCLUSION***

***Direction of Future Correspondences***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Horace L. Flournoy whose telephone number is (571) 272-2705. The examiner can normally be reached on Monday through Friday 8:00 AM to 5:30 PM (ET).

**Important Note**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald G. Bragdon can be reached on (571) 272-4204. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 746-7239.

Information regarding the status of an Application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Reginald G. Bragdon



Supervisory Patent Examiner  
Technology Center 2100

HLF  
July 8<sup>th</sup>, 2007